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May 14, 2008  
MCA-MDT Technical Committee Meeting Minutes

Dave Blair opened the meeting with introductions. MCA pointed out the anti-trust policy included with the attendance sheet, and reminded members to read and abide by the policy.

**OLD BUSINESS ISSUES**

**1. State Optioned Sources.** MDT stated they are still reviewing state optioned sources for materials on applicable projects. MDT is looking at CN 4073; MT-NH 63-1(11)14; Judith Gap – N & S as a potential pilot project. MDT stated that this project has been pushed to a potential September letting date.

**2. Chip Seal Warranty.** MDT stated that an updated Chip Seal Warranty Guide is available on the MDT website. A CD containing a PDF version of the warranty guide was given to MCA to be emailed to all members as well as the link to the website location. Printed copies will be delivered to MCA when received from the print shop. MDT mentioned that there are revisions to the chip seal specifications out for review for the month of May and encouraged contractors to comment.

**3. Density vs. Ride.** MDT previously presented data compiled from 2006 and 2007 which suggested a negative trend in density incentives and an increase in ride incentives. MDT is concerned that contractors are sacrificing compaction for ride. MDT requested that the MCA submit comments regarding compaction difficulties.

**4. Hamburg Testing.** Previously, MCA expressed concerns over potential Hamburg testing on small quantity jobs. MDT responded that Project Managers will be given guidelines to ensure consistency and that they should not require a Hamburg unless given a valid reason to do so. MCA and MDT both agreed this issue can be removed from future agenda.

**5. Pile Driving Hammers.** MCA previously requested that MDT supply a required range of energies for driving piles on bridge plans. MDT stated that it would require extensive design resources and suggested that the contractor hire a consultant. MCA and MDT both agreed this issue can be removed from future agenda.

**MDT NEW BUSINESS**

**1. New Specification Revisions.** MDT announced that five specification changes were sent for review in April (April's MCA meeting was cancelled) and seven specification changes were sent out for review as of May 12, 2008. MDT stated that April's specification revisions are in the process of being finalized and no consensus on May's specifications has been determined since the comment period will be open until May 30, 2008.

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### **Current Specifications out for Comment**

#### **APRIL**

- 105.02 Contractor Furnished Drawings and Submittals
- 106.09 Domestic Materials
- 109.06 Partial Payments
- 551.03.2 Composition of Concrete
- 618.03.6 Access Breaks

The draft out for comment stated the last paragraph would be deleted. MDT plans to remove only Traffic Control from the last paragraph. The other language will remain.

#### **MAY**

- 409.01.1 Contract Time
- 409.03.3 Limitation
- 409.03.8 Warranty

The September 10<sup>th</sup> date may not remain in the final version of the proposed revisions, but could be added by change order on a case by case basis.

- 610.03.2 Seeding
- 610.04.4 Condition Seed Bed Surface
- 610.05 Basis of Payment
- 713.12 Soil Retention Erosion Control

**2. Disadvantaged Business Enterprise (DBE) Program.** A brief update was provided with regard to the DBE program. Currently our contract participation for DBE's is approximately 3.8% with our goal being 9.89%. A disparity study is being conducted to determine if MDT needs to return to project specific goals. This should be done by the end of June.

**3. Notice to Proceed.** MDT stated that absolutely no contractor payments will be made before the Notice to Proceed date. This is a Site Manager requirement. MDT commented that the contractor will need to change order the NTP date for earlier payment on materials in storage.

**4. Letting List.** MDT will re-advertise the St Mary River – North of Babb project. This project will be advertised for two weeks and bids will be opened on the 29<sup>th</sup> of May with the regular May bid letting. There may also be a shortened advertisement period for the MCS Scale site project (pending ROW). Notices will be posted on the website.

**5. Paving.** MDT is receiving numerous mix designs and stated that communication between the lab and Contractors will be very important.

### **MCA NEW BUSINESS**

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**2. Qualified Products List.** MCA questioned if products on the QPL need to be tested given that they have already been pre-approved. MDT responded that all work and material must meet specifications and QPL items are subject to testing at any time, but the acceptance is normally done without testing. If a random sample is taken, the material represented by that sample is subject to acceptance and subsequent pay adjustments per the contract, just like any other product.

**3. Emulsions.** MCA questioned MDT's policy on the addition of water to emulsified asphalts. MDT requires dilution at the point of manufacture for quality control. This was in response to information MDT had showing sometimes blends with as little as 10% emulsion were being put on the road. MCA commented that some refineries do not have the facilities to mix water. MDT is willing to consider other methods of assuring the water addition is being done correctly and asked MCA to submit suggestions.

**4. Fuel Price Adjustment.** MCA questioned why the requirement to decide if they will participate by the Notice to Proceed or Pre-Construction meeting whichever is earlier. MCA would like to have the option to decide later, but before work begins. MDT stated that the adjustment should work either way (prices rising or falling) and doesn't understand why Contractors would want to wait to decide. MDT stated they may look at making fuel price adjustment mandatory on all projects

**5. Contract Time.** MCA argued that MDT contracts do not allow proper time to reasonably complete a project and that contract time charges are inconsistent. MCA stated that recently contract time has been minimized forcing them into liquidated damages (LD's). Additionally, they stated that contract time is being charged while their hands are tied waiting for test results such as mix designs. MDT replied that they will further investigate contract time durations and LD's. MDT stated that a contract has a set duration when it is bid on and the contractor needs to bid according to that duration. Use of the Q&A is useful when time may be too restrictive and encourages Contractors to make use of the Q&A. MDT stated that contract time charges begin when a bid item work activity begins, such as construction zone signing. MCA stated that scheduling traffic control Subcontractors to install sign posts is difficult and would like to have the NTP moved up to accommodate the Subcontractors schedule, then suspend time until other work begins. MDT agreed to further investigate contract time suspension after installation of sign posts if no other work will be preformed.

*The next meeting will be June 11, 2008, at 10:00 AM at MCA office in Helena*